**EMPLOYMENT LAWS AND PROCEDURES ASSESSMENT**

**TERMS OF REFERENCE**

1. **BACKGROUND AND CONTEXT**

Sudan hosts 2.7 million IDPs, 810,000 South Sudanese refugees and approximately 120,000 Eritrean refugees. Following months of civilian protests, which culminated in the ousting of Omar al Bashir’s 30-year government, the country is experiencing significant political, social, and economic transition. The humanitarian situation remains dire and it is estimated that in 2021, 12.8 million people will require humanitarian assistance including 2.5 million IDPs and over 1 million refugees.

In 2020, the transitional government entered into the Juba Peace Agreement with some factions within the Sudan Revolutionary Front (SRF), Sudan Liberation Movement (SLM), amongst other non-State armed groups. Despite the positive though ambitious provisions, two of the largest armed groups with significant territory in Darfur and the Two Areas are yet to sign the agreement. As a result, the political gains continue to remain fragile while the root causes of the conflict remain unaddressed. Long-standing grievances and competition for resources between communities continue without clear steps towards implementation of the agreement terms.

In the midst of all the political and economic uncertainty, IDPs continue to face a wide range of protection risks including difficulties accessing labour markets sustainable livelihoods and self-reliance. Secondary research identifies lack of documentation as one of the factors restricting access to labour markets and employment opportunities for IDP’s. These restrictions have resulted in IDP’s relying on casual labour in the informal market with irregular income and no legal protection. Lack of documentation can additionally result in movement restrictions preventing IDP’s from accessing better work and livelihood opportunities. There is need for further research and development of guidance to understand the relevant legislative framework, policies and practices governing access to employment and labour markets for displacement affected communities in the different States. Similarly despite provisions such as the Four Freedoms, refugees continue to face great difficulty accessing fair and secure employment and livelihood opportunities.

The lack of clarity, limited access to updated, reliable data/information and lack of in-depth analysis of polices and legal framework on Employment laws and procedures remains a significant challenge. This lack of clarity will significantly hamper efforts geared towards making informed, evidence-based interventions to address barriers limiting IDP’s and refugees from accessing livelihood and employment opportunities.

NRC is seeking a short-term consultancy, between August and November 2022, to lead a research that aims at understanding the relevant legislative framework, policies and practices governing access to employment and labour markets for displacement-affected communities (including refugees, returnees, asylum seekers, and IDPs) in Sudan, with a specific focus on displaced communities in Khartoum, Gedaref, White Nile, North and West Darfur. Findings from the assessment will enable ICLA teams to design programmatic response including advocacy initiatives aimed at addressing barriers identified that restrict access to employment and livelihood opportunities.

**NRC’s Programme in Sudan**

Norwegian Refugee Council (NRC) is an independent rights-based humanitarian organization working to protect the rights of displaced and vulnerable persons during crisis. NRC has established operations in Sudan in line with the humanitarian response plan with strategic programming priorities focusing on Education, Livelihoods and Food Security, Shelter, Camp coordination and camp management and Information, Counselling and Legal assistance (ICLA). The ICLA programme provides services to displacement affected populations to enable them to claim and exercise their rights and contribute towards attaining durable solutions through various thematic areas including; legal identity and civil documentation, employment laws and procedures and housing, land and property rights (HLP) and Access to essential services.

To date NRC - ICLA has set up operations in 4 States Gedaref, Khartoum, North and West Darfur states with potential expansion to South Kordofan and White Nile. This assessment seeks to contribute to promoting access to employment opportunities for displacement affected communities in Sudan by identifying the available information, laws, and procedures to inform the design of NRC’s intervention on employment laws and procedures in Sudan.

1. **PURPOSE**

The overall objective of this research is to contribute towards increased opportunities to access employment and sustainable livelihoods for displacement affected communities by promoting evidence based understanding of the challenges/barriers limiting access to livelihoods and employment opportunities. This will include a comprehensive analysis of laws, policies and procedures regulating employment laws and procedures in Sudan which will inform programming and improve awareness on procedures and practices. This will in turn contribute to improved programming to support access to livelihood and employment opportunities for displacement affected communities in Sudan.

The assessment will focus on 3 research areas as below:

1. **Legal status**
* Identify the legal status of the various groups affected by displacement (asylum seekers, refugees, IDPs, citizens, foreigners, residents, returnees, no formal legal status etc.) and the different rights and entitlements that may be accorded to each legal status with regards to accessing employment and labour markets.
* Analyse the rights and entitlements when it comes to access to employment or the labour maker to understand how the legal status and/or access to legal documentation (or absence of it) will affect this access.
1. **Access to employment/ self-employment**
* **Employment:** Identify if there are any restrictions on employment, employment sectors or categories of work for the different displaced groups based on their legal status (or gender). Check if there are any other legal conditions or requirements to accessing employment opportunities. Check also for non-legal obstacles that might exist, such as discrimination.
* **Work permit requirements:** Understand if and when there is an additional requirement to obtain work permits to be able to legally work – understand the underlying conditions / requirements to obtain a work permit (for different legal status, if relevant). Check if work permits are linked to certain categories of work or sectors and/or quotas.
* **Business registration (self-employment):** Identify the legal requirements and procedures (key legislation and any associated regulations) are to register and operate a business for the target groups (based on their legal status).
* Understand what the current situation is i.e., what registered businesses do individuals from among the target groups own, what are the reasons mentioned for registration or (non-)registration of the business. There might be particular obstacles but also incentives not to register a business.
* Identify the legal taxation requirements related to businesses or enterprises (how much and how calculated, when are they due, and how are they paid).
* **In rural settings and/or for engagement in agriculture**: Identify the tenure arrangements for the target groups engaged in agriculture and explore ways how to support increased security of tenure for the target groups.
* **Informal work / markets:** If these markets are regulated, and to *what* extent, e.g. local-level regulations or laws or even by informal regulations established and maintained by local power holders. Explore what these regulations are in the target locations and to *what* extent they are obstacles or enablers for the target groups to engage in self-employment or businesses.
1. **Workplace (social protection)**
* **Employment:** What are the applicable national laws and regulations on working conditions and benefits for displacement affected communities depending on the legal status.
* What happens in practice on this issue? What are the main challenges target groups face in accessing or enjoying the entitlements available to them?
1. **EXPECTED RESULTS/ DELIVERABLES**
* Detailed assessment report (50 to 60 pages:) with executive summary, conclusion, recommendations, and annexed accounts of stakeholder meetings
* Detailed work plan
* Inception report.
* Survey tools and methodology (including ethical approach to research).
	+ Data collection from conflict-affected women and key informants.
	+ Presentation of draft findings/recommendations and preliminary report to the ICLA Specialist, before the draft report.
	+ Annexes (list of interviews, documents consulted and data collection tools).
* Tasks in above listed Objectives which should include specific chapters of the report highlighting:
	+ Comparative analysis of findings relating to the legal status of different displacement affected groups including their rights affiliated with such legal statuses across the four states as it relates to accessing employment and livelihood opportunities
	+ Analysis of findings relating to challenges limiting access to livelihoods and employment opportunities for different displacement affected groups with specific focus on Khartoum, Gedaref, White Nile, North and West Darfur
	+ Analysis of laws, policies and procedures regulating employment opportunities across the four states including how it affects different displaced groups including based on gender and legal status
	+ Applicable procedures for personal business registrations and the implications of non-registration and taxation requirements. This should include policies and frameworks regulating business registration for different displacement groups across the four states
	+ Detailed analysis of procedures to access work permits across the four states by displacement affected groups
* Documented account of stakeholder meetings
* A 2-4 briefing note, with practical recommendation on further programming and advocacy initiatives to promote access to employment laws and procedures for displacement affected communities;
* Debriefing and validation of findings workshop (1/2 day) with the senior management and ICLA team.
1. **SCOPE OF WORK AND METHODOLOGY**

It is expected that the consultant will conduct the following:

* Legal analysis – desk review and legal research of existing national (and sub-national) legal and policy frameworks
* Investigation of practices – interviews with target groups and key stakeholders to understand how the practice might differ from the theory and what other non-legal barriers might affect employment-related issues.

The consultancy reports to the ICLA Specialist in-country.

The consultancy requires travel to Republic of Sudan for part of the assignment and includes field travels to the locations mentioned above.

English will be the primary language of communication, key discussions in any other language are expected to be summarised in English as needed. The outputs produced will be in English unless agreed otherwise.

1. **DELIVERABLES, PHASES AND TIMELINE**

|  |  |
| --- | --- |
| **Phase** | **Duration**  |
| Desk review, development and pre-test ofresearch tools and training on data collection. (Submission on inception report at the end of this phase) | **3 weeks** |
| Field data collection | **8 weeks** |
| Analysis and production of a draft report, feedback with NRC | **4 weeks** |
| Submission of final report | **2 weeks** |
| Dissemination phase  | **2 days** |

1. **CONSULTANCY TEAM QUALIFICATIONS**

The Research Lead should have the following qualifications:

* An advanced degree in Law, Political Science or related social sciences, or a combination of a Bachelor degree in any of the specified fields of study plus extensive professional research experience, with focus on HLP, access to justice and collaborative dispute resolution mechanisms.
* Sound knowledge of employment laws and procedures for IDP’s and refugees in conflict or post-conflict communities, including forced displacement, humanitarian assistance and development;
* Experience with quantitative and qualitative data collection in field settings.
* Experience carrying out analysis of complex analysis of qualitative and quantitative data.
* Knowledge of participatory survey approaches, gender responsive tools
* Legal knowledge including knowledge of Sharia will be a distinct advantage. In addition, previous experience working in or on Sudan is a particular asset.

**Other Qualities**

* Ability to work under pressure, independently and with limited supervision
* Highest standards of ethics and integrity
* Ability to work in insecure environments
* Communicating with impact and respect
* All employees of the Norwegian Refugee Council should be able to adhere to our Codes of Conduct and the four organizational values: Dedicated, innovative, inclusive and accountable

This consultancy is open to both national and international consultants. There is a preference for a combination, where international expertise is combined with national/local knowledge. NRC and local partners on the ground can be engaged for data-collection and logistical support.

1. **INSTITUTION AND ORGANIZATIONAL ARRANGEMENTS**

The consultant is expected to be available for in-country visit for the field data collection. NRC Sudan will be able to provide logistic support for movement within Sudan, including the booking of UNHAS/commercial flights, accommodation, the cost associated with in-country travel.

**Duties of the Consultant;**

* Reports should be submitted in Microsoft Word format in electronic format, in UK English. All text should be unformatted. Graphs or other graphical devices should be editable (i.e. not pictures). All references must be cited according to convention, and detailed in a bibliography.
* All verbatim quotations must appear in quotation marks, and must not be of excessive length. All data collected under the consultancy must be submitted with the deliverables, in a widely recognized format such as Microsoft Excel in electronic form
* Everything submitted to NRC must be the original work of the consultants. Any plagiarism in any form, or any other breach of intellectual property rights, will automatically disqualify the consultant from receiving any further payments under the contract by NRC, and NRC will seek to recover any payments already made.
* NRC retains the right to copyrights with regard to products, processes, and other materials which the Individual Consultant has developed for NRC under this contract and which bears a direct relation to or are produced or prepared or collected in consequence of, or during the course of, the performance of the Contract, and the Individual Consultant acknowledges and agrees that such products, documents and other materials constitute works made for hire for NRC.
* The consultant will follow [Ethical Research Involving Children](https://childethics.com/ethical-guidance/) guidance on the ethical participation of children. In addition, all participants in any study or other interaction will be fully informed about the nature and purpose of the interaction and their requested involvement. Informed consent must be obtained for any photographs, audio or video recordings, etc., in accordance with NRC’s policy on consent.
* Equipment to be used: the consultant will use their own personal laptop
* International and domestic travels are covered by NRC. For international travel, the Consultant is responsible for the booking through BCD Travel Operations Oslo (NRC will provide guidance) while domestic travel will be facilitated by NRC Sudan
* There is no travel allocation or per diem for international or national travels. This is an all-in-fee consultancy.
* Local travel, transport, and accommodation is covered by NRC. Where possible, NRC will host the consultant in existing guesthouses. If no room is available, the consultant will be booked into either humanitarian hubs, or in security cleared hotels.
* The Consultant must observe all NRC security policies and regulations while working with NRC and while in NRC premises or vehicles. The consultant agrees to observe NRC’s Code of Conduct while working with NRC.

**Duties of NRC**

NRC will provide an initial briefing and clarification on the scope of work for the consultant at the onset of the consultancy. NRC will review initial drafts of outputs and revert back with feedback to be incorporated by the Consultant in the final draft of deliverables.

As part of the in-country piece of work, NRC may support the consultant with arranging transportation, accommodation, visa invitation letter and processing, domestic flights, and administrative work behind workshops. However, costs for these, and other travel associated costs (i.e. visa, insurance) are borne by the consultant. The lump sum fee for the consultancy will therefore be the only financial cost borne by NRC.

1. **IMPLEMENTATION SCHEDULE**

**Commencement**: The Assignment shall commence in August 2022.

**Period for the Assignment**: The consultancy will last for a total of 15-17 weeks over the months of August to November 2022. Final drafts of the main deliverables should be submitted by November2022, incorporating necessary feedback in advance.

1. **APPLICATION PROCEDURE**

All interested are requested to submit their curriculum vitae along with other required documents listed below to the following email: sd.tenders@nrc.no

The e-mail subject of the application should be titled: “Employment laws and Procedures Assessment, Sudan”

**Only shortlisted/successful candidates or companies will be contacted.**

Offer should include:

1. Technical proposal not exceeding 5 pages which provides an outline of the research framework and methods, including comments on the TOR
2. Bidding form in the template provided
3. Proposed timeframe and work-plan.
4. CVs, references for previous relevant work, and an extract (3-5 pages) from past research projects.
5. Financial proposal (bid) detailing the budget (in USD). The financial proposal should provide professional fees and all costs required for undertaking this consultancy
6. Certificate of Registration / Incorporation if applying as a company
7. Tax Registration Certificate/ if applying as a company
8. Submit the offer through the indicated channel and no longer than August, 17

Applicants will be evaluated against the following criteria: professional competencies, expertise and qualification for the tasks described above (50%), Previous experience (30%), Technical quality of submitted work samples (10%), Financial offer (10%).

**Please provide information required in the templates below**

1. **Bidding Form**

**Please provide information against each requirement.**

Additional rows can be inserted for all questions as necessary. If there is insufficient space to complete your answer in the space provided, please include on a separate attachment with a reference to the question.

1. **Bidder’s general business details**
2. **General information**

|  |  |
| --- | --- |
| **Company name:** |  |
| **Any other trading names of company:** |  |
| **Registered name of company (if different):** |  |
| **Nature of primary business/trade:** |  |
| **Primary contact name:** |  |
| **Job title:** |  |
| **Phone:** |  |
| **Email:** |  |
| **Registered Address:** |  |
| **Business licence number:** |  |
| **Country of registration** |  |
| **Registration date:** |  |
| **Expiry date:** |  |
| **Legal status of company (e.g. partnership, private limited company, etc.)** |  |

1. **Owners/Managers**

Please fill in the below table with the full names and the year of birth of the company’s owner(s) and manager(s)\*:

|  |  |
| --- | --- |
| **Full name** | **Year of birth** |
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 *\* Please note this information is necessary in order to conduct the vetting procedure referred to in clause 25 of the Invitation to Bid-General Terms and Conditions.*

1. **Employees**

Please list the employees who would be involved with NRC in the event of contract award:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Employee name** | **Job title** | **Role on the project** | **Phone** | **Email** |
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |
| … |  |  |  |  |

1. **Company bank account details:**

|  |  |  |
| --- | --- | --- |
| Beneficiary name: |    |  |
| Beneficiary account no.: |   |  |
| Beneficiary Bank: |   |  |
| Bank branch: |   |  |
| SWIFT: |   |   |
| IBAN: |  |  |
| Bank address: |   |   |

1. **References**

Please provide details of at least 3 client references whom NRC may contact, preferably from NGOs and UN agencies, for similar related works:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Client/company name** | **Contact person** | **Phone** | **Email** | **Contract details ( location, size, value, etc)** |
| 1. |   |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |
| … |  |  |  |  |

1. **Equipment**

Please provide details of any relevant equipment owned by the company that would potentially be used for carrying out of the Base Line Survey. (do not mention rented items):

|  |  |
| --- | --- |
| **Type of equipment/ vehicles** | **Quantity** |
| 1 |  |
| 2. |  |
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| 5. |  |
| 6. |  |
| … |  |

1. **Bid Validity**

Please confirm the validity of your bid below (in calendar days):

|  |
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1. **Confirmation of Bidder’s compliance**

We, the Bidder, hereby certify that our tender is a genuine offer and intended to be competitive and we confirm we are eligible to participate in public procurement and meet the eligibility criteria specified in the Invitation to Bid. We confirm that the prices quoted are fixed and firm for the duration of the validity period and will not be subject to revision or variation.

The following documents are included in our **Bid**: **(please indicate which documents are included by ticking the boxes below).**

|  |  |
| --- | --- |
| **Documents** | **included** |
| Section 4: Technical proposal & Pricing Proposal; completed, signed and stamped | ☐ |
| Section 5: Bidding form; completed, signed and stamped | ☐ |
| Section 6: Service Provision Schedule; completed, signed and stamped | ☐ |
| Section 7: Company Profile and Previous Experience; completed, signed and stamped, including publicly available works or studies commissioned earlier. | ☐ |
| Section 8: Supplier’s ethical standards declaration; completed, signed and stamped | ☐ |
| Certificate of Registration/ Incorporation | ☐ |
| Tax registration certificate | ☐ |
| Financial Offer (Excel) detailing the budget (in USD or NGN) | ☐ |
| Copies of Curriculum Vitae and Motivational Letter | ☐ |
| Recommendation letters from previous organizations served OR 2 organizational references who can verify the quality of the consultant’s work and/or publicly available works or studies commissioned earlier | ☐ |
| Sample of similar assessment performed | ☐ |

We understand that NRC is not bound to accept the lowest, or indeed any bid, received.

We agree that NRC may verify the information provided in this form itself or through a third party as it may deem necessary.

**We confirm that NRC may in its consideration of our offer, and subsequently, rely on the statements made herein.**

|  |  |
| --- | --- |
| Name of Signatory:  | Tel N°: |
| Title of Signatory: | Name of Company: |
| Signature & stamp: | Date of Signing: |
| Address: |

1. **Consultancy Provisional Schedule**

**Consultancy Schedule:**

Attach the Service schedule here:

Schedule to include:

* + - 1. Detailed list of consultancy to be completed in reference to Consultancy Description
			2. Duration of each of the activities and completion date.

Table for breakdown of service provision

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Activity** | **Week 1** | **Week 2** | **Week 3** | **Week 4** | **Week 5** | **Week 6** | **Week 7** |
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**Manpower:**

In addition, provide a list of the manpower involved in the activities on site with an estimate of the total man-hours completed by each of the skills. Format to follow the below simple format:

|  |  |  |
| --- | --- | --- |
| **#** | **Proposed Personnel/Manpower**  | **# of workers allocated to the Consultancy Service** |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
| 4 |  |  |
| … |  |  |

**NOTE:** The manpower list and service provision schedule shouldn’t be limited to this Form.

A comprehensive list has to be submitted adapting the Form as necessary.

1. **Consultants Profile and Previous Experience**

The Bidder is requested to:

1. Submit the **CONSULTANCY Profile**
2. Complete the following **Previous Experience** **Table** listing the work or contracts undertaken in the past 5 years similar to the services required under this contract
3. Submit **evidences of previous experience** in form of Contracts, Completion Certificates, etc.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **#** | **Name of Project**  | **Total value of the Consultancy activity performed**  | **Duration of the contract** | **Starting date** | **Ending date** | **Contracting Authority and Place** |
| **1** |  |  |  |  |  |  |
| **2** |  |  |  |  |  |  |
| **3** |  |  |  |  |  |  |
| **4** |  |  |  |  |  |  |
| **5** |  |  |  |  |  |  |

**NOTE**: The list shouldn’t be limited to this Form in regards to the number of works reported. A comprehensive list of the last 5 years’ experience has to be submitted adapting the Form to the necessary rows.

NRC may conduct reference checks for previous contracts completed